

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration of the rejections contained in the Office Action of September 18, 2008 is respectfully requested.

By this Amendment, claim 9 has been amended. Thus, claims 9-16 are currently pending in the application. No new matter has been added by these amendments.

The entire specification and abstract have been reviewed and revised. Due to the number of revisions, the amendments to the specification and abstract have been incorporated into the attached substitute specification and abstract. For the Examiner's benefit, a marked-up copy of the specification and abstract indicating the changes made thereto is also enclosed. No new matter has been added by the revisions. Entry of the substitute specification is thus respectfully requested.

On page 2 of the Office Action, the Examiner objected to the drawings as being improper. In particular, the Examiner noted that Fig. 7 should be labeled as "Prior Art." In order to address this objection, a replacement Fig. 7 has been submitted under separate cover along with this amendment. It is noted that the replacement Fig. 7 is labeled as "Prior Art." No new matter has been added by the amendment to Fig. 7. Therefore, entry of the replacement Fig. 7 is respectfully requested, and it is respectfully submitted that the Examiner's objection is not applicable to the replacement Fig. 7.

On pages 2-3 of the Office Action, the Examiner rejected claim 16 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner asserts that it is unclear how the electric motor is driven "at operation frequencies including a frequency lower than a power source frequency," as required by claim 16, because the specification does not describe the power source or its operating frequency, or how the motor would operate at a different frequency than the power source. The Examiner also asserts that it is unclear how the operating frequency of the motor and the power source are measured.

It is noted that page 11, lines 18-21 of the original specification state that the "electric motor unit is driven by the inverter drive circuit (not shown) at various operation frequencies including operation frequencies below 20 Hz." In this regard, it is noted that the electric motor can be operated at a different frequency than the power source because the electric motor is driven by the inverter drive circuit, and it is respectfully submitted that the operation of inverter

drive circuits is well known to those of ordinary skill in the art. As indicated above, the original specification discloses the frequencies being measured in Hertz. Therefore, in view of the above, it is respectfully submitted that claim 16 complies with the requirements of § 112, first paragraph.

On pages 3-5 of the Office Action, the Examiner rejected claims 9, 10, 11, 13 and 15 under 35 U.S.C. § 102(b) as being anticipated by Solomon (US 3,182,901). On pages 5-6 of the Office Action, the Examiner rejected claims 9 and 16 under 35 U.S.C. § 102(b) as being anticipated by Krueger et al. (WO 93/22557). Further, on pages 6-7 of the Office Action, the Examiner rejected claims 12 and 14 under 35 U.S.C. § 103(a) as being unpatentable over Solomon in view of Paczuski (US 6,484,847). For the reasons discussed below, it is respectfully submitted that the present claims are clearly patentable over the prior art of record.

Amended independent claim 9 recites a compressor comprising a hermetic container storing oil therein, and an electric motor contained in the hermetic container, with the electric motor including a stator and a rotor. The compressor of claim 9 also includes a compressor unit linked to be driven by the electric motor, with the compressor unit including a shaft that extends in a vertical direction and is to be rotated by the electric motor. Further, the compressor of claim 9 includes an oil pump which is formed at a lower end of the shaft and immersed in the oil. In addition, claim 9 recites that the oil pump includes a helical groove provided in an outer periphery of the shaft, a cup-shaped sleeve rotatably mounted on the lower end of the shaft so as to cover the helical groove with a predetermined clearance defined between the shaft and the sleeve, and a rotation-suppressing element for suppressing rotation of said sleeve, *with the predetermined clearance being 100  $\mu$ m to 500  $\mu$ m.*

Solomon discloses a compressor which, as shown in Fig. 2, includes an electric motor 13 with a shaft 22 having a lower bearing 21 around an end of the shaft 22. However, Solomon does not disclose a predetermined clearance defined between the shaft and the sleeve, *with the predetermined clearance being 100  $\mu$ m to 500  $\mu$ m*, as required by independent claim 9. In this regard, the Examiner asserts that the bearing 21 corresponds to the cup-shaped sleeve of claim 9, and indicates that Solomon discloses a predetermined clearance between the shaft 22 and the bearing 21. However, it is noted that Solomon is completely silent as to any dimensions regarding a clearance between the shaft 22 and the bearing 21, and therefore Solomon does not

disclose a predetermined clearance of 100  $\mu$ m to 500  $\mu$ m, as required by independent claim 9. Accordingly, it is respectfully submitted that independent claim 9 is not anticipated by Solomon.

Krueger discloses an oil pump for a compressor which, as shown in Fig. 4a, includes a rotor 20 and a sleeve 30 surrounding the rotor 20. However, Krueger does not disclose a predetermined clearance defined between the shaft and the sleeve, *with the predetermined clearance being 100  $\mu$ m to 500  $\mu$ m*, as required by independent claim 9. In this regard, the Examiner indicates that Krueger discloses a predetermined clearance between the shaft and the sleeve 30. However, it is noted that Krueger is completely silent as to any dimensions regarding a clearance between the shaft and the sleeve 30, and therefore Krueger does not disclose a predetermined clearance of 100  $\mu$ m to 500  $\mu$ m, as required by independent claim 9. Accordingly, it is respectfully submitted that independent claim 9 is not anticipated by Krueger.

Further, it is noted that Paczuski does not cure the defects discussed above with respect to Solomon and Krueger. Therefore, it is respectfully submitted that independent claim 9, as well as claims 10-16 which depend therefrom, are clearly allowable over the prior art of record.

In addition, it is noted that the Notice of References Cited attached to the Office Action contains a typographical error. In particular, it is noted that reference N (Krueger, WO 93/22557) is indicated as being a Brazilian reference. As Krueger is a published international application, it is noted that the word "Brazil" should be replaced with "WO" in the line corresponding to reference N in the Notice of References Cited. Accordingly, it is respectfully requested that a corrected Notice of References Cited be issued in the next Office Action.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice to that effect is respectfully solicited.

If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

Respectfully submitted,

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